

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SUSIE V. GONZALEZ,)	
)	
Plaintiff,)	
vs.)	NO. CIV-07-594-HE
)	
MICHAEL J. ASTRUE, Commissioner)	
of the Social Security Administration,)	
)	
Defendant.)	

ORDER

Plaintiff Susie V. Gonzalez instituted this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying her application for disability insurance benefits. Consistent with 28 U.S.C. § 636(b)(1)(B) and (C), the case was referred to Magistrate Judge Valerie K. Couch, who recommends that the Commissioner's decision be reversed and the case remanded for further proceedings. The magistrate judge found that the administrative law judge ("ALJ") committed legal error by failing to consider the listing at § 14.09 for inflammatory arthritis and in his credibility assessment. She also concluded that the hypothetical question the ALJ posed to the vocational expert was flawed and, therefore, that the ALJ's conclusions based on the vocational expert's testimony were not supported by substantial evidence.


The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. §

636(b)(1)(C); LCvR72.1.

Accordingly, the court adopts Magistrate Judge Couch's Report and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent with the Report and Recommendation, a copy of which is attached to this order.

IT IS SO ORDERED.

Dated this 3rd day of June, 2008.



JOE HEATON
UNITED STATES DISTRICT JUDGE